AGENDA
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

DATE: August 27, 2015

TIME: Executive Closed Session – 6:00 PM
      Regular Session – 7:00 PM

PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.

1. Call to Order at 6:00 p.m.
   a. Move to Executive Closed Session pursuant to the provisions of the California Government Code Sections 54957(b)(1) (Public Employee Performance Evaluation) and 54956.8 (Conference with Real Property Negotiators):
      1. Public Employee Performance Evaluation
         Executive Director
      2. Conference with Real Property Negotiators
         Agency Negotiator: Board President, Executive Director and District Counsel
         Under Negotiation:
         Coast Seafoods Company Tideland Lease Values

2. Adjourn Executive Closed Session

3. Call to Order Regular Session at 7:00 P.M. and Roll Call

4. Pledge of Allegiance

5. Report on Executive Session

6. Public Comment

   Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

7. Consent Calendar
   a. Consideration of approval of minutes from April 9, 2015 Regular Board Meeting.
   b. Consideration of approval of minutes from April 23, 2015 Regular Board Meeting.

8. Communications and Reports
   a. Executive Directors Report
   b. Staff Reports
   c. District Counsel, District Planner and District Treasurer Reports
   d. Commissioner and Committee Reports
   e. Other – Samoa Wood Pellets LLC

9. Non Agenda
10. Unfinished Business
   a. Consideration of adopting the Mitigated Negative Declaration for the application by Pacific Gas and Electric Company for the Humboldt Bay Power Plant Final Site Restoration Plan Implementation.
   b. Consideration of adoption of Resolution 2015-14, which establishes findings relative to the application by Pacific Gas and Electric Company for the Humboldt Bay Power Plant Final Site Restoration Plan Implementation.

11. New Business
   a. Consideration of awarding contracts to successful bidders subject to funding for Redwood Terminal 2 Door Replacement; Redwood Terminal 2 Electric Power Supply; Redwood Terminal 2 Warehouses, Shop, Laboratory, Storage & Office Siding and Window Replacement; Redwood Terminal 2 Warehouses, Shop, Laboratory & Office Roof Repairs; and Redwood Terminal 2 Machine Building Repairs.
   b. Consideration of renewal of Coast Seafoods Company Tideland Lease.
   c. Consideration of Exclusive Right to Negotiate with Alaskan Anvil, LLC.

12. Administrative and Emergency Permits

13. Adjournment
Initial Study and Mitigated Negative Declaration
for the Humboldt Bay Power Plant
Final Site Restoration Plan Implementation

Submitted to
Humboldt Bay Harbor, Recreation and Conservation District

Prepared for
Pacific Gas and Electric Company

August 2015
On the
Initial Study and
Mitigated Negative Declaration
for the
Humboldt Bay Power Plant
Final Site Restoration Plan

Submitted to
Humboldt Bay Harbor, Recreation and Conservation District

Prepared for
Pacific Gas and Electric Company

August 2015
RESOLUTION NO. 2015-14

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY PACIFIC GAS & ELECTRIC COMPANY FOR THE HUMBOLDT BAY POWER PLANT FINAL SITE RESTORATION PLAN IMPLEMENTATION, IN KING SALMON CALIFORNIA

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District is empowered by Appendix II of the Harbors and Navigation Code, and its own ordinances and resolutions, to grant permits, leases, rights, and privileges; and,

WHEREAS, no permits, rights, leases, and privileges may be granted without first having considered certain potential impacts and without first having made findings relative to said impacts; and,

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District has been presented with certain evidence that the final site restoration of the Humboldt Bay Power Plant will be conducted in a manner consistent with applicable County, State and Federal rules and regulations; and

WHEREAS, the final site restoration work as proposed by Pacific Gas & Electric Company will not be detrimental to the air, land, environment, and ecology of the land under the jurisdiction of the Humboldt Bay Harbor, Recreation, and Conservation District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District as follows:

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District has found the following to be true and adopts the following findings with respect to the proposed use contemplated by Pacific Gas & Electric Company in Application 15 – 01 and supplements and amendments thereto:

1. The use proposed by Pacific Gas & Electric Company is necessary to promote the safety, health, comfort, and convenience of the public; and

2. The proposed use, as conditioned, is consistent with the California Environmental Quality Act and there is no substantial evidence the project will have a significant effect on the environment; and

3. The proposed use is consistent with the Humboldt Bay Management Plan with particular relevance to policies CAE-2, CAE-3, CAS-1, and CAS-3 ; and

4. The proposed use is required by the public convenience and necessity; and
5. The proposed use is reasonably required to promote growth, and to meet area demands, and does not adversely affect the environment or ecology of the area to any substantial degree; and,

6. The proposed use will not produce an unreasonable burden on the natural resources and aesthetics of the area, on the public health and safety, and air and water quality in the vicinity of Humboldt Bay, or on the parks, recreation and scenic area, historic sites and buildings, or archeological sites in the area.

PASSED AND ADOPTED by the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District at a duly called meeting held on the 27th day of August, 2015, by the following polled vote:

AYES: ____________________________________________

NOES: ____________________________________________

ABSENT: __________________________________________

RICHARD MARKS, President
Board of Commissioners

ATTEST:

GREG DALE, Secretary
Board of Commissioners
CERTIFICATE OF SECRETARY

The undersigned, duly qualified and acting Secretary of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, does hereby certify that the attached Resolution is a true and correct copy of RESOLUTION NO. 2015-14 entitled,

A RESOLUTION ESTABLISHING FINDINGS RELATIVE TO THE PERMIT APPLICATION BY PACIFIC GAS AND ELECTRIC COMPANY FOR THE HUMBOLDT BAY POWER PLANT FINAL SITE RESTORATION PLAN IMPLEMENTATION, IN KING SALMON CALIFORNIA

As regularly adopted at a legally convened meeting of the Board of Commissioners of the HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT, duly held on the 27th day of August, 2015; and further, that such Resolution has been fully recorded in the Journal of Proceedings in my office, and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of August, 2015.

______________________________
GREG DALE, Secretary
Board of Commissioners
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

PERMIT

Permit No. 15-01

601 Startare Drive
Woodley Island Marina
P O Box 1030
Eureka, CA 95502-1030

PERMITTEE:
Pacific Gas & Electric Company
1000 King Salmon Ave
Eureka, CA 95503

AGENT
Kris Vardas, PG&E, Principal Land Planner
735 Tank Farm Road
San Luis Obispo, CA 93401.

PROJECT
Humboldt Bay Power Plant Final Site Restoration Plan Implementation

The Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District hereinafter referred to as “District”, having considered the Application herein, number 15-01, received by the District on August 19, 2015, and Pacific Gas & Electric Company (PG&E) 1000 King Salmon Avenue, Eureka, California 95503, hereinafter referred to as “Permittee”, and the District as the lead agency, pursuant to the California Environmental Quality Act of 1970, as amended, having made a determination of a Mitigated Negative Declaration and the Board of Commissioners of the District having on August 27, 2015, passed Resolution No. 2015-14 establishing findings relative to the Application by Permittee for Humboldt Bay Power Plant Final Site Restoration adjacent to Humboldt Bay, California provided for in this Permit, the Permittee is hereby authorized to perform the work of improvement, as more particularly described in the Application filed with the District and the mitigated negative declaration referred to above.

You are hereby authorized to perform work of improvement described in the Permit Application of Permittee consisting of:

PG&E is decommissioning the Humboldt Bay Power Plant (HBPP) and will request termination of their Nuclear Regulatory Commission (NRC) license to own and operate a nuclear reactor. PG&E has prepared a plan for Final Site Restoration (FSR) of areas on the HBPP site where Units 1, 2, and 3 and associated buildings, storage facilities, and appurtenant structures once stood. These areas will be restored to repurpose the former HBPP area to support the Humboldt Bay Generating Station (HBGS) and future power generation-related activities on the property. Areas already committed for other operational needs, such as the Independent Spent Fuel Storage Installation (ISFSI), will continue. PG&E requests a permit from the HBHRCD to implement the Final Site Restoration (FSR) plan, as it contains elements that will involve construction in the jurisdiction of the HBHRCD, as more particularly described below.

Page 1 of 5 Permit 15-01 PG&E
The HBPP FSR and reuse planning supports the stated project purpose of PG&E’s overall HBPP Decommissioning Program, which is to decommission HBPP Units 1, 2, and 3, (under separate authorization), terminate the license for Unit 3 in accordance with 10 CFR 52.110, conduct surface restoration of certain areas, and to restore the land formerly occupied by Units 1, 2, and 3 to conditions that allow for continued utility uses of the former HBPP footprint. The HBPP FSR plan includes the following features:

- Reconfigure those portions of the site that are needed for on-going and future utility operation uses of the property;
- Habitat restoration;
- Restore to pre-existing conditions those portions of the property that are not identified for ongoing utility operations;
- Reroute or repair drainage, establish new storm water detention basins, and grade the site to maximize implementation of Low Impact Development (LID) measures;
- Reroute, repair or remove communications, and other infrastructure on property as needed; and
- Contaminated soil remediation.

That the location of the proposed work of improvement shall be located at 1000 King Salmon Avenue, Eureka, CA, in Humboldt County, California adjacent to Humboldt Bay.

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. That you promptly report the dates when you start and finish the work authorized by this Permit. If you find that you cannot complete the work within the time granted by this Permit, ask for an extension before your Permit expires. If you materially change the plan and scope of the work, it will be necessary for you to request a revision of your Application and plans.

2. That all work authorized by this Permit shall further be subject to the approval of the following public agencies:
   A. Nuclear Regulatory Commission (NRC)
   B. U.S. Army Corps of Engineers (USACE)
   C. California Coastal Commission (CCC)
   D. California Department of Toxic Substances Control (DTSC)
   E. California Energy Commission (CEC)
   F. North Coast Regional Water Quality Control Board (NCRWQCB)
   G. North Coast Unified Air Quality Management District (NCUAQMD)

   and you shall fully comply with all regulations and conditions affecting such work as imposed by the above agencies.

3. That there shall be no unreasonable interference with navigation by the work herein authorized.
4. That no attempt shall be made by the Permittee to interfere or forbid the full and free use by the public of all navigable waters at or adjacent to the work.

5. That the mitigation measures described in the Mitigated Negative Declaration for PG&E HBPP Final Site Restoration are made conditions of this permit by reference.

6. That the Humboldt Bay Harbor, Recreation and Conservation District, its Commissioners, or any officer or employee of the Humboldt Bay Harbor, Recreation, and Conservation District shall in no case be liable for any damages or injury of the work herein authorized which may be caused by or result from future operations undertaken by the Humboldt Bay Harbor, Recreation and Conservation District for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

7. That neither the Humboldt Bay Harbor, Recreation and Conservation District, nor its Board of Commissioners, nor any officer of the District shall be liable to any extent for any such injury or damage to any person or property or for the death of any person arising out of or connected with the work authorized by this Permit.

8. That this Permit, if not previously revoked or specifically extended, shall cease and be null and void and terminate on the 27th day of August 2016. This permit may be extended in annual increments for up to a total of nine (9) years at the discretion of the District.

9. That the Board of Commissioners of the District may revoke this Permit at any time upon a finding by the District of a violation by the Permittee of any condition of this Permit.

10. That the Permittee shall comply with any regulations, condition, or instructions affecting the work hereby authorized if and when issued by the Nuclear Regulatory Commission (NRC); U.S. Army Corps of Engineers (USACE); California Coastal Commission (CCC); California Department of Toxic Substances Control (DTSC); California Energy Commission (CEC); North Coast Regional Water Quality Control Board (NCRWQCB); and North Coast Unified Air Quality Management District (NCUAQMD) having jurisdiction. Such regulations, conditions, or instruction in effect or prescribed by these Agencies are hereby made a condition of this Permit.

11. That neither the Humboldt Bay Harbor, Recreation and Conservation District, nor its Board of Commissioners, nor any officer of the District shall be liable to any extent for the injury or damage to any person or property or for the work authorized by this Permit, and the Permittee shall indemnify and hold harmless the District, its Commissioners and officers free and harmless from any liability for any such injury, death or damage.

12. That Permittee shall furnish to the Humboldt Bay Harbor, Recreation and Conservation District a written annual progress report and upon
completion, a written completion report describing the completion of the project. Permittee shall at all times notify the Humboldt Bay Harbor, Recreation and Conservation District in writing of all locations, including new locations, in Humboldt Bay, that Permittee proposes to install the uses permitted herein, prior to said installation.

13. That as a condition to the issuance of this Permit, Permittee agrees to indemnify and hold harmless Humboldt Bay Harbor, Recreation and Conservation District from and against any and all liability, loss, or damage Humboldt Bay Harbor, Recreation and Conservation District may suffer from claims and demands for attorneys' fees, costs of suit, and costs of administrative records made against Humboldt Bay Harbor, Recreation and Conservation District by any and all third parties as a result of third party environmental actions against Humboldt Bay Harbor, Recreation and Conservation District arising out of the subject matter of this Permit, including, but not limited to attorneys' fees, costs of suit, and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorneys' fees, costs of suit, and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial appeal or arbitration of claims for attorneys' fees, costs of suit, and costs of administrative records in connection with the subject matter of this Permit.

14. That this Permit is valid as of the 27th day of August 2015, and is made subject to the Permittee approving and agreeing to the conditions above set forth and executing said approval as hereinafter provided.

EXECUTED on this 27th day of August 2015, by authority of the Board of Commissioners of the Humboldt Bay Harbor, Recreation and Conservation District.

RICHARD MARKS, President
Board of Commissioners
Humboldt Bay Harbor, Recreation and Conservation District

PG&E, Permittee, in the above Permit, hereby accepts and agrees to all of the conditions hereinabove set forth. Permittee shall indemnify and hold harmless the Humboldt Bay Harbor, Recreation and Conservation District, its Board of Commissioners, officers and employees from any and all claims of any nature arising from the performance of and work of improvement contained in the Application for injury, death or damage to any person or property.

PG&E, Permittee, in the above Permit, agrees to indemnify and hold harmless Humboldt Bay Harbor, Recreation and Conservation District, its Board of Commissioners, officers and employees from and against any and all liability, loss or damage District may suffer from claims and demands from attorneys' fees; costs of suit and costs of administrative records made against District by any and all third
parties as a result of third party environmental actions against District arising out of the subject matter of this Permit including, but not limited to, attorneys' fees, costs of suit and costs of administrative records pursuant to the California Code of Civil Procedure §1021.5 or any other applicable local, state or federal laws, whether such attorney's fees, costs of suit and costs of administrative records are direct or indirect, or incurred in the compromise, attempted compromise, trial, appeal or arbitration of claims for attorneys' fees, costs of suit and costs of administrative records in connection with the subject matter of this Permit.

Dated: August 27, 2015

Pacific Gas & Electric Company

By____________________________________

Title__________________________________